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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON NORMATIVE LEGAL ACTS**  
**OF AZERBAIJAN**



# **THE LAW OF THE REPUBLIC OF AZERBAIJAN**

## **On Normative Legal Acts**

This law establishes rules for drafting, formalizing, adopting, publishing, coming into force, commenting and classifying normative legal acts.

### **CHAPTER 1 GENERAL PROVISIONS**

#### **Article 1. Main definitions used in this law**

- 1.0. The following main definitions and their explanations are used in this Law:
  - 1.0.1. law - system of rules determined by the state for regulation of public relationship which is compulsory for everybody;
  - 1.0.2. norm – code of conduct which is compulsory for everybody;
  - 1.0.3. normative legal act – an official document in a determinate form, passed on issues the regulation of which is within the competence of an authorized state body as provided by the Constitution of the Republic of Azerbaijan, laws and decrees or passed by referendum that observes the legislative procedures of the Republic of Azerbaijan containing a compulsory code of conduct designed for a circle of undefined entities and for multiple use.
  - 1.0.4. legislation – system of normative legal acts that regulate public relationships;
  - 1.0.5. legislative acts – normative legal acts that form legislation of the Republic of Azerbaijan;
  - 1.0.6. local normative legal act – normative legal act, force of which is limited within one or few state bodies;
  - 1.0.7. act of statutory nature – an official document in a certain form, passed by the state bodies considered by this Law, which includes a compulsory code of conduct for limited circle of subjects and which is designed for multiple implementation;
  - 1.0.8. legislation technique – system of rules for developing draft legislative acts;
  - 1.0.9. complete set of laws – completely classified set that combines legislative acts of the Republic of Azerbaijan;
  - 1.0.10. classifying the legislation – an activity for regulating the normative legal acts, and for converting them into a single concerted system;
  - 1.0.11. incorporation – type of classification of normative legal acts carried out without changing legal regulatory substance established by them, as well as by attaching them to a set of collections in a determined manner.
  - 1.0.12. codification – type of classification of normative legal acts, followed by reprocessing of substance of legal regulation established by them by combining normative legal acts in a single normative legal act, which contains classified statement of legal instructions, directed to regulation of certain area of public relationships;
  - 1.0.13. gaps in the legislation – lack of legal norms regulating public relationships need of which depends on essence and content of the state legal system in force, and on principles and norms of international law;
  - 1.0.14. collision of normative legal acts – contradiction (discrepancy) of normative legal acts in force that regulate the same public relationships;





- 1.0.15. legal analogy – application of common origins, meaning of legislation, general principles of law and principles of specific fields of law to below-mentioned relationships due to the lack of legal norms regulating not only specific public relationships but also similar public relationships;
- 1.0.16. law analogy application of legislative norms regulating public relationship similar to specific relationships due to the lack of legislative norms that regulate such relationship;
- 1.0.17. norm making activities – scientific or organizational activities for development, expertise, amending, passage, interpretation, termination, considering terminated or cancellation of normative legal acts;
- 1.0.18. legislative initiative – official submission of the draft law of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan by the subject determined by Article 96.I of the Constitution of the Republic of Azerbaijan;
- 1.0.19. norm making initiative - official submission of well grounded proposal on the need for passage of a draft normative legal act or a part of an act, or its amendment, commentary, consideration as invalid or cancellation, to the norm making body by the subject of norm making activity;
- 1.0.20. norm making body – a state body (an official) that has authority to pass normative legal acts;
- 1.0.21. norm making process – norm making activity of a norm making body for development and passage, coming into force of normative legal acts;
- 1.0.22. norm making technique – system of rules for drafting normative legal acts;
- 1.0.23. publicizing normative legal acts – bringing the normative legal act to general attention by publishing it in print media, other media outlets or other possible means of communication;
- 1.0.24. subject of norm making activity – individuals or legal entities involved in norm making activity;
- 1.0.25. technical normative legal acts – technical bylaws, technical codes of established experience; standards, as well as state standards of the Republic of Azerbaijan; field standards; technical requirements; aviation rules; zoohygienic, veterinary, veterinary and sanitary norms and rules; sanitary norms and rules; hygienic guidelines; pharmacopeia articles and norms; fire safety rules; norms and rules for ensuring technological, industrial, nuclear and radiation safety; safe transportation of dangerous shipments; norms and rules for protection and efficient use of soil; information booklets for specialization; state classifier of technical and economical information; blank forms for state statistical observations and guidelines on how to fill them out; rules for forming and calculating statistical indexes; instructions on organization and conduct of state statistical observations; reporting forms for institutions and instructions on how to fill them out; drafts of zones of protection of immovable physical historical and cultural values; other normative legal acts considered as technical normative legal acts by normative legal acts of the Republic of Azerbaijan and approved (came into force) in the manner established by the legislation of the Republic of Azerbaijan;
- 1.0.26. making amendments in normative legal acts – change of text of norms of the normative legal acts or inclusion of the additional regulating norms;
- 1.0.27. discretionary authorities – authorities that a state body (an official) can apply on its (his/her) judgment;
- 1.0.28. dispositive capacity – capacity of application of the authorities of the state body by the official by his or her choice.
- 1.0.29. legal force of a normative legal act – feature that establishes obligatoriness of application of normative legal act to relevant public relationship, as well as its conformity to other normative legal acts.

## **Article 2. Normative legal acts**





Types of normative legal acts are determined by Article 148 of the Constitution of the Republic of Azerbaijan.

### **Article 3. Non normative legal acts**

- 3.1. Legal acts that are adopted for implementation of specific (one-time) organizational, controlling or directive events, or considered for one-time implementation are not normative legal acts.
- 3.2. Non normative legal acts are the following:
  - 3.2.1. decisions of the Milli Majlis of the Republic of Azerbaijan;
  - 3.2.2. decrees of the President of the Republic of Azerbaijan;
  - 3.2.3. decrees of the Cabinet of Ministers of the Republic of Azerbaijan;
  - 3.2.4. acts of the bodies implementing civilian registration;
  - 3.2.5. other acts that are not statutory in conformity with first paragraph of this article.

### **Article 4. Acts of statutory nature**

- 4.1. Acts of statutory nature of the Republic of Azerbaijan are:
  - 4.1.1. decisions of the Constitutional Court of the Republic of Azerbaijan adopted in conformity with Article 130.III. paragraphs 1-6 and 8, and 130.IV of the Constitution of the Republic of Azerbaijan;
  - 4.1.2. decisions, instructions and explanations of the Central Election Commission;
  - 4.1.3. decisions of the Central Bank of the Republic of Azerbaijan;
  - 4.1.4. decisions of Judicial Legal Council;
  - 4.1.5. decisions of National Television and Radio Council;
  - 4.1.6. decisions of local self-government bodies;
  - 4.1.7. decisions of the local executive bodies;
- 4.2. Acts of a statutory nature cannot enforce liability for not implementing them.
- 4.3. Acts of a statutory nature cannot contradict the normative legal acts of the Republic of Azerbaijan.

### **Article 5. Frame of application of this law**

- 5.1. This law establishes rules for drafting, formalizing, adopting, publishing, coming into force, commenting on and classifying the normative legal acts of the Republic of Azerbaijan as well as Nakhchivan Autonomous Republic.
- 5.2. This law establishes rules for drafting, formalizing, adopting, publishing, coming into force, interpreting and classifying the following normative legal acts if other rules are not established by the laws of the Republic of Azerbaijan:
  - 5.2.1. referendum acts;
  - 5.2.2. international contracts;
  - 5.2.3. technical normative legal acts;
  - 5.2.4. local normative legal acts;
  - 5.2.5. acts of a statutory nature.

### **Article 6. System of normative legal acts**

Normative legal acts shall be classified in a single system by determining their lack of mutual contradiction, and hierarchy of normative legal acts, as well as by publishing set of relevant laws and legislation of the Republic of Azerbaijan that are defined by internal agreement and that ensure legal regulation of public relationships.

### **Article 7. Legal succession regarding normative legal acts passed by the state bodies**

- 7.1. If the state body having the authority to pass normative legal acts is reestablished, along with authorities to adopt normative legal acts the legal successor, within its



- authorities, shall be given the authorities of amending and terminating the normative legal acts of earlier passage.
- 7.2. If the state body is liquidated or the legal successor is reestablished with no rights to adopt relevant normative legal acts, the authority to amend or terminate previously adopted normative legal acts shall be given to a superior or other state body.
  - 7.3. Change of status of the state body that adopts the relevant normative legal acts does not cause termination of previously adopted normative legal acts.
  - 7.4. When the state body is renamed or if it is reestablished by merging, joining or reforming that result in renaming, the normative legal acts having the previous name must be changed in the renaming part. The normative legal acts that had the previous name before such changes were made shall be completely applied to the renamed (reestablished) body.
  - 7.5. When a state body is divided or separated, a decision on its reestablishment must have a clear division of authorities. It must enable the determination which normative legal act in which size shall be applied to which newly established state body. In such cases, the state body that made a decision on dividing or separating must ensure making all necessary changes to relevant normative legal acts within a three month period.

#### **Article 8. Main principles of norm making activity**

- 8.0. Norm making activity is implemented based on the principles indicated in part I of Article 149 of the Constitution of the Republic of Azerbaijan as well as the following principles:
  - 8.0.1. compliance with the Constitution and priority of laws;
  - 8.0.2. compliance of acts of lower state bodies with acts of superior state bodies;
  - 8.0.3. superiority of universally recognized principles of international law;
  - 8.0.4. humanism;
  - 8.0.5. justice and proportionality;
  - 8.0.6. mutual accountability of state and citizens;
  - 8.0.7. democracy in norm making process;
  - 8.0.8. non-contradiction of normative legal acts;
  - 8.0.9. protection of citizens rights and freedoms, and their legitimate interests; and social justice;
  - 8.0.10. systematic character and complexity of legal regulation of public relationships.

#### **Article 9. Transparency in activities of norm making bodies**

- 9.1. Transparency in activities of norm making bodies must be ensured by the following:
  - 9.1.1. informing the citizens about activities of norm making bodies and about normative legal acts adopted by them;
  - 9.1.2. publishing the normative legal acts in official publications, in other media outlets or bringing them common attention by other means;
  - 9.1.3. placement of draft normative legal acts on the official sites of norm making bodies.
- 9.2. The draft normative legal act can be put forth open discussion (public or professional) with the decision of norm making body.

#### **Article 10. Legal force of normative legal acts**

- 10.1. Legal force of the normative legal acts shall be determined by Article 149 parts II, III, IV, V and VI and Article 151 of the Constitution of the Republic of Azerbaijan.
- 10.2. Legal force of the normative legal acts of Nakhchivan Autonomous Republic shall be determined by Article 49 parts II, III, IV and V of the Constitution of Nakhchivan Autonomous Republic.





## CHAPTER 2

### Collision of normative legal acts. Gaps in legislation.

#### **Article 11. Rules for handling collision of normative legal acts**

- 11.1. Collision of the normative legal acts are handled in conformity with Article 149 parts II, III, IV, V and VI and Article 151 of the Constitution of the Republic of Azerbaijan.
- 11.2. When a law, decree or other normative legal act contradict the Constitution of the Republic of Azerbaijan, the Constitution of the Republic of Azerbaijan shall be applied.
- 11.3. When a law, decree or other normative legal act contradict the referendum act of the Republic of Azerbaijan, the referendum act shall be applied.
- 11.4. When the code contradicts the law, decree or other normative legal act, the code shall be applied.
- 11.5. When the Civil Code of the Republic of Azerbaijan contracts the other codes and laws establishing civil rights norms, the Civil Code of the Republic of Azerbaijan shall be applied.
- 11.6. When the law contradicts the decree or other normative legal act, the law shall be applied.
- 11.7. When decision of the Cabinet of Ministers contradicts the normative legal acts of central executive authority bodies, the decision of the Cabinet of Ministers shall be applied.
- 11.8. Legal force of charters, statutes, instructions, regulations and rules shall be determined by the legal force of the normative legal act which approves them.
- 11.9. The normative legal act adopted by the state body in that case has superior legal force regarding the normative legal act of the state body of the same level, if the state body adopting such act is given specific authorities to regulate certain area of public relationship.
- 11.10. If the contradicting normative legal acts have the same legal force, related normative legal acts shall be applied under the circumstances that these relationships concern that particular legal regulation area.
- 11.11. In case of contradiction between general and specific norms in the same normative legal act, the specific norms shall be applied.
- 11.12. A newly adopted normative legal act shall have superior legal force regarding the normative legal acts of earlier passage by the same state body.
- 11.13. If the same relationships are regulated by several norms and if application of those norms are possible at once, it is not considered collision of the normative legal acts.
- 11.14. Structural divisions of the state bodies do not have the right to adopt normative legal acts.
- 11.15. Collision of normative legal acts of Nakhchivan Autonomous Republic shall be handled in conformity with Article 49 part II, III, IV and V of the Constitution of Nakhchivan Autonomous Republic and Article 11.7-11.12 of this Law.

#### **Article 12. Order of application of rules for handling collision of normative legal acts**

- 12.1. Order of handling collision of normative legal acts:
  - 12.1.1. firstly, norms of Article 10.1-10.6 of this Law shall be applied;
  - 12.1.2. if collision is not handled, secondly, norms of Article 10.8-10.10 shall be applied;
  - 12.1.3. if collision is not handled again, lastly, norms of Article 10.11 shall be applied.

#### **Article 13. Methods of eliminating collision of normative legal acts**

- 13.1. Collision of normative legal acts shall be eliminated by the following methods:
  - 13.1.1. commentary on the normative legal act;
  - 13.1.2. passage of a new normative legal act;
  - 13.1.3. termination of a normative legal act;
  - 13.1.4. amending the normative legal act;





- 13.1.5. codification and classification of normative legal acts;
- 13.1.6. by a court.
- 13.2. In order to prevent collision of normative legal acts in connection with adoption of a new normative legal act a list of normative legal acts (its structural elements) to be considered invalid, to be amended must be reflected in the final provisions or attachment of this normative legal act.

#### **Article 14. Gaps in legislation**

- 14.1. In case of lack of legislative norms regulating specific public relationships, legal analogy or law analogy shall be used.
- 14.2. Firstly the law analogy shall be used. In case of the lack of legislative norms regulating specific public relationships, legislative norms regulating public relationships similar to those public relationships shall be applied.
- 14.3. In case it is not possible to find legislative norms regulating similar public relations due to the lack of legislative norms regulating specific public relationship, the law analogy shall be used. In such case general and specific principles of the law established by the Constitution and the laws shall be used.
- 14.4. In case of crime, administrative offence, institution of proceedings by tax authorities, limitation of rights and establishment of duties, legal analogy or law analogy cannot be used.

#### **Article 15. Detecting gaps in legislation**

- 15.1. The following must be taken into consideration when detecting gaps in the legislation:
  - 15.1.1. factual case must be amenable to registration by law;
  - 15.1.2. there must be legislative norms regulating specific public relationships;
- 15.2. The gaps in the legislation must be investigated taking into account the following:
  - 15.2.1. lack of legislative norms as well as precedent regulating the factual case;
  - 15.2.2. partial regulation (not regulating completely) of factual case by legislation.

#### **Article 16. Decision on use of legal analogy or law analogy**

- 16.1. An entity that detects the gap and that implements Article 14 of this Law must inform the norm making body related to the authorities of regulations of the certain public relationships about this gap.
- 16.2. Decision on use of legal analogy or law analogy must be submitted for registration to the State Registry of Legal Acts of the Republic of Azerbaijan.
- 16.3. Decision on use of legal analogy or law analogy shall be considered in force following the decision of the Constitutional Court of the Republic of Azerbaijan adopted in an order provided by the law.

### **CHAPTER 3 TYPES AND FORMS OF THE NORMATIVE LEGAL ACTS**

#### **Article 17. Normative legal acts of the Milli Majlis of the Republic of Azerbaijan**

- 17.1. Normative legal acts of the Milli Majlis of the Republic of Azerbaijan shall be adopted in the form of laws in conformity with Article 93 and 94 of the Constitution of the Republic of Azerbaijan.
- 17.2. Public relations within the competence of the Milli Majlis of the Republic of Azerbaijan regulation of which is delegated to it by Article 94 of the Constitution of the Republic of Azerbaijan shall be regulated by the Law of the Republic of Azerbaijan.
- 17.3. When a normative legal act of the Milli Majlis of the Republic of Azerbaijan is adopted, an article of the Constitution of the Republic of Azerbaijan based on which it is adopted and purpose of its implementation must be noted.





## **Article 18. Normative legal acts of the President of the Republic of Azerbaijan**

- 18.1. Normative legal acts of the President of the Republic of Azerbaijan shall be adopted in a form of decree in conformity with Article 113 of the Constitution of the Republic of Azerbaijan.
- 18.2. Decrees of the President of the Republic of Azerbaijan shall be adopted on the issues within the authority of the President of the Republic of Azerbaijan delegated by the Constitution of the Republic of Azerbaijan and on issues that are subject to statutory regulation.
- 18.3. Other normative legal acts (statutes, charters, rules etc.) issued by the President of the Republic of Azerbaijan shall be approved by the decrees of the President of the Republic of Azerbaijan.
- 18.4. When a normative legal act of the President of the Republic of Azerbaijan is adopted, an article of the Constitution of the Republic of Azerbaijan on which it is based and adopted and purpose of its implementation must be noted.

## **Article 19. Normative legal acts of the Cabinet of Ministers of the Republic of Azerbaijan**

- 19.1. The Cabinet of Ministers of the Republic of Azerbaijan shall adopt normative legal acts in the form of decisions, within the authorities of the Cabinet of Ministers of the Republic of Azerbaijan by the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan, in conformity with Article 120 part I of the Constitution of the Republic of Azerbaijan, based on the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan with the purpose of their implementation.
- 19.2. Other normative legal acts (statutes, charters, rules etc.) adopted by the Cabinet of Ministers of the Republic of Azerbaijan shall be approved by the decisions of the Cabinet of Ministers of the Republic of Azerbaijan.
- 19.3. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan shall be adopted on the issues which are within the authorities of the Cabinet of Ministers of the Republic of Azerbaijan by the Constitution of the Republic of Azerbaijan and acts of the President of the Republic of Azerbaijan.
- 19.4. The Cabinet of Ministers shall adopt the normative legal acts on issues that cannot be resolved by the central executive authority bodies.
- 19.5. Decision of the Cabinet of Ministers of the Republic of Azerbaijan can be cancelled by the acts of the President of the Republic of Azerbaijan.

## **Article 20. Normative legal acts of the central executive authority bodies**

- 20.1. Normative legal acts of the central executive authority bodies shall be adopted in cases and within the limits considered by the acts of the President of the Republic of Azerbaijan and only on the issues that are within their authorities by the acts of the President of the Republic of Azerbaijan.
- 20.2. Normative legal acts of the central executive bodies shall be adopted in the form of a decision.
- 20.3. Other normative legal acts (instructions, statutes, charters, rules) adopted by the central executive authority bodies shall be approved by decisions.
- 20.4. When a normative legal act is adopted by the central executive authority body, it should indicate the purpose of implementation and which act of the President of the Republic of Azerbaijan it is based on.

## **Article 21. Types of normative legal acts of Nakhchivan Autonomous Republic**

Types and forms of the normative legal acts of Nakhchivan Autonomous Republic shall be determined by Constitution of Nakhchivan Autonomous Republic.





**CHAPTER 4**  
**APPLICATION OF UNIVERSALLY RECOGNIZED PRINCIPLES OF INTERNATIONAL  
 LAW AND OF NORMS OF INTERNATIONAL AGREEMENTS OF THE REPUBLIC OF  
 AZERBAIJAN IN THE NORMATIVE LEGAL ACTS OF THE REPUBLIC OF AZERBAIJAN**

**Article 22. Mutual relations of the international agreements and normative legal acts**

- 22.1. The Republic of Azerbaijan shall recognize superiority of universally recognized principles of the international law and shall ensure compliance of the laws of the Republic of Azerbaijan to them.
- 22.2. Legal force of the international agreements of the Republic of Azerbaijan shall be determined by Article 151 of the Constitution of the Republic of Azerbaijan.
- 22.3. Legal norms established in the international agreements of the Republic of Azerbaijan shall be one part of the legislation in force within the territory of the Republic of Azerbaijan; must be applied immediately, except the cases in the international agreement that require passage of interstate normative legal acts for implementation of such norms, and has the force of that normative legal act that expresses consent of the Republic of Azerbaijan to obligatoriness of the relevant international agreements for it.

**Article 23. Passage of normative legal acts oriented to accomplishment of international obligations of the Republic of Azerbaijan**

When implementation of norms of international contracts of the Republic of Azerbaijan is required on interstate level for accomplishment of international obligations of the Republic of Azerbaijan, relevant normative legal acts shall be adopted by the norm making bodies of the Republic of Azerbaijan.

**Article 24. Basis for passage of normative legal acts oriented to accomplishment of international obligations of the Republic of Azerbaijan**

- 24.0. The normative legal acts oriented to accomplishment of international obligations considered by the international contracts of the Republic of Azerbaijan shall be adopted in the following cases:
- 24.0.1. if the subject of the international contracts of the Republic of Azerbaijan is the issues related to the normative regulating area but not regulated by the normative legal acts of the Republic of Azerbaijan;
- 24.0.2. if implementation of international obligations adopted in compliance with the international contracts of the Republic of Azerbaijan is not possible unless the relevant normative legal act is adopted;
- 24.0.3. when participants of the international contract achieve agreement on passage of relevant normative legal acts.

**CHAPTER 5**  
**REQUIREMENTS PUT FORWARD THE NORMATIVE LEGAL ACTS**

**Article 25. A Method of composition of the normative legal act**

- 25.1. The normative legal acts must be internally consistent, logically formulated and satisfy the norm making technique.
- 25.2. When establishing the legal norms of the normative legal act, usage of very common and very detailed expressions, as well as repetition of statutory instructions and their great number should be avoided.
- 25.3. Titles of normative legal act, division, chapter and article must be concise, clearly stated, and must reflect the main point.





- 25.4. Expression of norm of normative legal act must be concise, mainly positive and in present time.
- 25.5. Terminology and definitions used in the text of the normative legal act shall be clear and monosemantic.

#### **Article 26. Sequence of placement of the norms in the normative legal act**

First - general provisions, then specific provisions shall be stated when setting forth the text of the normative legal act.

#### **Article 27. Rules for drafting normative legal acts**

- 27.1. Peculiarities of rules for drafting different types of normative legal acts, technical and legal requirements for their formalization, as well as other issues that are not regulated by this Law shall be determined, relevantly, by the Rules approved by the Milli Majlis of the Republic of Azerbaijan and by the President of the Republic of Azerbaijan.
- 27.2. Rules for drafting normative legal acts cannot limit the rights of the subject of norm making activity and of norm making bodies.

### **CHAPTER 5 STRUCTURE OF NORMATIVE LEGAL ACT**

#### **Article 27. Details of normative legal acts**

- 27.0. Compulsory details of the normative legal acts are the following:
  - 27.0.1. type of act (the Law of the Republic of Azerbaijan, Decree of the President of the Republic of Azerbaijan, Decision of the Cabinet of Ministers of the Republic of Azerbaijan etc.)
  - 27.0.2. name (title) of the normative legal act that reflects the subject of regulation;
  - 27.0.3. date of passage of the act, place and registration number;
  - 27.0.4. signatures of the people entitled to sign officially the relevant normative legal acts.

#### **Article 28. Title of normative legal act**

- 28.1. Each normative legal act shall have a title reflecting the subject of legal regulation and the main point.
- 28.2. If one or more normative legal acts are amended, the title of the normative legal act that includes these amendments must contain the title(s) of amended normative legal act(s).

#### **Article 29. Structural component of normative legal act**

- 29.1. Structural component of the normative legal act shall be comprised of a preamble, divisions, chapters, articles, paragraphs, subparagraphs, parts and new lines.
- 29.2. The normative legal act can have the preamble – an introduction containing rationale of its passage, conditions and purposes.
- 29.3. The text of the normative legal act can be divided into articles and paragraphs under division and chapters depending on type of the act. The laws, as well as codes, as a rule, are divided into articles, and other normative legal acts are divided into paragraphs. The codes must have an index of contents. Other large volume normative legal acts can have an index of contents.
- 29.4. Articles and paragraphs of the normative legal act are the main structural components reflecting complete normative provisions of the normative legal act.
- 29.5. Articles of the normative legal act shall be numbered with Arabic figures followed by full stop. Title of the article shall be typed with small letter on the same line. Paragraphs shall be indicated with Arabic figures and full stop and shall not have the title.





- 29.6. Articles of the normative legal act can be divided into parts or paragraphs. Parts can also be divided into new lines, paragraphs, subparagraphs, parts or new lines, the subparagraphs – into parts or new lines.
- 29.7. Chapters of the normative legal act are the structural components reflecting articles (paragraphs) of this act. Chapters shall be numbered with Arabic figures and must have a title typed with capital letters and in the middle of the line.
- 29.8. Divisions of the normative legal act are the structural components reflecting chapters of this act. Divisions shall be numbers with Roman numerals and have the title typed with capital letters in the middle of the line.
- 29.9. New line of the normative legal act is the part of the first line separated with space and started with small letter (except the first new line of the part starting with capital letter). Abzaslar, bir qayda olaraq, iki nöqtə ilə tamamlanan müvafiq struktur elementinin birinci abzasdan və nöqtə ilə tamamlanan axırıncı abzas istisna olmaqla, nöqtəli vergül ilə tamamlanır
- 29.10. Subparagraphs of the normative legal act are components of the paragraph and are new lines that have several Arabic figures, showing the number of the first paragraph, followed by full stop.
- 29.11. The part of the normative legal act is the structural component of the normative legal act that consists of a new line (several new lines) and that expresses unity of meaning. The part, except the new line that might end with semicolon, begins with capital letter and ends with full stop. In such case, the first new lines of the part, are completed with colon, except the last new line ended with full stop, and the following new lines are completed with semicolon.
- 29.12. If the part is the structural component of a paragraph or a subparagraph, the first part of the subparagraph, as a rule, begins with Arabic figure with full stop and followed by small letters or begins with several Arabic figures with full stops followed by small letter.
- 29.13. Divisions, chapters, articles and paragraphs (except the paragraphs within the articles) must be directly numbered, paragraphs in articles must be numbered directly for each article, in subparagraphs – directly for each paragraph.
- 29.14. Numbering of structural components must be the same for all normative legal acts.
- 29.15. Numbering with other numbers that are not of the same character of structural components mentioned in this article or marking shall be allowed only in exceptional cases and when the normative legal acts have a specific proviso.

### **Article 30. Peculiarities of codified structure of normative legal acts**

- 30.1. Sections of the codified normative legal acts can be combined under General and Specific parts.
- 30.2. General part of the codified normative legal act must contain the following:
  - 30.2.1. fundamental provisions (principles, definitions, main institutions);
  - 30.2.2. specialized statutory provisions (presumption, collateral estoppel);
  - 30.2.3. other introductory statutory provisions that create a legal basis for high generalization, characterized with stability, and for application of the norms of the special part.
- 30.3. special part of the codified normative legal act can reflect the norms expressing the following:
  - 30.3.1. type and size (rules) of possible and necessary behavior (rights and duties);
  - 30.3.2. type and size of negative results of possible violations (legal liabilities) of legal norms.

### **Article 31. Amending normative legal acts**

- 31.1. If the section (chapter, article, paragraph) of the normative legal act is considered terminated, they shall be removed from the act in force, but their numbers shall be kept and the numbers of the sections (chapters, articles, paragraphs) of the normative legal act shall not change.





- 31.2. If an additional section (chapter, article, paragraph) is added to the normative legal act, they shall be added with an additional number repeating the numbers of the sections of the act.

**Article 32. Reference to the articles of other acts in the normative legal act and repetition of articles of other acts in the acts**

References to the articles of other acts in the normative legal act if necessary, repetition of the separate provisions of such normative legal acts shall be allowed referring to the normative legal acts of a superior legal power. Such a repetition must be precisely expressed and may not change meaning of the norm of the normative legal act of the superior legal power.

**Article 33. References to other articles in the articles of the normative legal acts**

Articles of the normative legal acts can be referred to other articles of the same normative legal act, when there is a necessity, by not breaking the interrelationship between the normative legal acts or by not making repetitions.

**Article 34. Footnotes and annexes**

- 34.1. The normative legal acts (its structural components) can have footnotes as separate structural components. Footnotes, explanations or abbreviations shall be used when it is not possible to place them inside the text of the normative legal act (its structural elements).
- 34.2. When the normative legal act indicates tables, graphs, maps, diagrams, lists, illustrations etc. they must be formalized as annexes, and relevant structural components must have references to those annexes.

**Article 35. Consideration of liability measures in the normative legal act**

Measures of liability must be indicated in the acts considering duties of state and local self government bodies, political parties, public associations, their officials, legal entities and individuals, if liabilities for violation of those duties are not established under the legislation in force.

**Article 36. Loss of force of normative legal acts in force or amending them due to passage of new normative legal act**

- 36.1. All acts or parts of them, of earlier passage that contradict the new statutory instructions or are covered by the new act due to passage of new act, or that did not lose their force formally but lost their factual importance shall be considered not in force in the manner established by this law.
- 36.2. The normative legal acts in force, in necessary cases, shall be amended due to passage of new normative legal act by the body which adopted them.
- 36.3. When the relative executive power body finds that the normative legal act in force contradicts the normative legal acts with superior force, it shall appeal to the executive power body which adopted them for making amendments to that act or for considering it invalid.

## **CHAPTER 7 NORM MAKING PROCESS**

**Article 37. Stability of law system**

Changes to the normative legal act earlier than one year after its passage shall be allowed on the bases of the requirements of the normative legal acts of a superior legal power or on



the opinions of legal, linguistic, economic, ecological, criminological or financial expertise of the normative legal act, if other cases are not considered by the laws or decrees.

### **Article 38. Subjects of the right for legislative initiative**

The right for legislative initiative belongs to subjects defined by Article 96 of the Constitution of the Republic of Azerbaijan.

### **Article 39. Subjects of norm-making initiative**

39.1. Subjects of a norm-making initiative are subjects who in accordance with the given authorities are entitled in accordance with Article 48 of this Law to submit to a norm-making body a draft normative legal act or a proposal about necessity to adopt a normative legal act or its part, to make amendments, to comment, to suspend its effect, to consider it void or to cancel.

39.2. State bodies and public officials, which are not subjects of norm-making initiative as well as organizations and citizens may submit suggestions on adoption of normative legal acts or draft of the act to state bodies entitled by relevant authority within the rules identified by Azerbaijani Republic's legislation. In this case, it may be possible not to follow Article 48 of this Law.

### **Article 40. Stages of norm making process**

40.0. Norm making process, as a rule, shall be implemented following the established procedures containing the following stages:

- 40.0.1. planning of norm making activities;
- 40.0.2. initiative of norm making;
- 40.0.3. drafting normative legal act;
- 40.0.4. passage of normative legal act;
- 40.0.5. registration of normative legal act;
- 40.0.6. publication of normative legal act.

### **Article 41. Planning of drafting normative legal acts**

41.1. Drafting normative legal acts, as a rule, shall be performed in a planned manner.

41.2. The planning of drafting normative legal acts involves approval of the following:

- 41.2.1. state programs reflecting articles on drafting normative legal acts;
- 41.2.2. annual plans for drafting normative legal acts and other plans for drafting normative legal acts.

### **Article 42 Rule on preparation of plans for preparing drafts of normative legal acts**

42.1. Accordingly, the Milli Majlis of the Republic of Azerbaijan and the President of the Republic of Azerbaijan prepare mutually agreed annual plans for the preparation of draft laws. Annual plans for preparing draft laws could foresee the drawing of more important and complex concepts.

42.2. Norm-establishing bodies can prepare and approve their plans on drafting normative legal acts on the basis of annual plans for drafting state programs or laws.

42.3. During the preparation of draft normative legal acts suggestions from subjects who have the right for legislative initiative, other interested bodies, public unions, scientific and other organizations, as well as citizens' shall be taken into account.





#### **Article 43. Supervision over implementation of plans for drafting state programs and normative legal acts**

Supervision over implementation of plans for drafting state programs and normative legal acts is exercised by the norm-establishing bodies that approved them.

#### **Article 44. Provision of transparency in activities regarding planning of drafting normative legal acts.**

- 44.1. Plans on drafting state programs and normative legal acts are approved and published based on the rules foreseen for acts of norm-making.
- 44.2. Plans on drafting approved state programs and statutory legal acts are sent to the relevant state institutions for reference.

#### **Article 45. The rule for drafting a normative legal act**

- 45.1. The following can be included into drafting a normative legal act:
  - 45.1.1. making a decision on considering a norm-making suggestion and preparing a draft;
  - 45.1.2. organizational, technical, and financial support for drafting;
  - 45.1.3. collecting necessary materials;
  - 45.1.4. preparing the concept for the draft;
  - 45.1.5. preparing text of the draft;
  - 45.1.6. reaching agreement on a draft;
  - 45.1.7. conduct of legal, linguistic, financial and other necessary expert reviews.
- 45.2. A norm-making body can exercise drafting independently or can instruct another subject of norm-making initiative to implement this based on the issues within the former's authorities, and can also involve relevant experts in preparation of the draft and to assign specially formed temporary commissions and working groups.
- 45.3. Drafting a normative legal act is exercised with the mandatory participation of the legal service of a relevant state body.

#### **Article 46. Reaching agreement on a normative legal act**

- 46.1. The draft of a normative legal act, before it is submitted to a norm-making institution, should be agreed with relevant public bodies when the agreement is mandatory by the legislation of the Republic of Azerbaijan, and when a normative legal act contains normative legal instructions and (and or) assignments related to other state bodies within the rules established by the legislation of the Republic of Azerbaijan.
- 46.2. The agreement on the draft of normative legal act is conducted as following:
  - 46.2.1. written expression of consent or non-consent of a state body (organization) to the relevant draft with the justification of existing remarks and suggestions and with the attachment, in case of disagreement with the normative legal prescriptions of the suggested edition of the draft normative legal act or its particular provisions in accordance with established rules of norm-making.
  - 46.2.2. authentication by the head of state body of the draft normative legal act (in case of disagreement with the normative legal prescriptions of the suggested edition of the draft normative legal act or its particular provisions in accordance with established rules of norm-making).
- 46.3. During agreement on the draft of normative legal act legally ungrounded comments and proposals shall not be considered.
- 46.4. If it is not foreseen otherwise in the Laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan, during the coordination (agreement) of the normative legal act, an expression of consent or non-consent of a state body (organization) to





the relevant draft shall be made not later than 30 days and its authentication not later than 5 days after the draft is received according to pre-defined rule.

- 46.5. A draft of normative legal act is considered as agreed if:
- if an information on agreement is not submitted within the timeframe established by a part of this article;
  - if necessity for extension of agreement or denial of extending period are not justified;
  - if there is no suggestion to extend of period of agreement.
- 46.6. A draft law submitted by the President of the Republic of Azerbaijan to the Milli Mijlis of the Republic of Azerbaijan is considered agreed with all the interested state bodies.

#### **Article 47. Expert review of draft normative legal act**

With the exception of cases where this law requires compulsory conduct of expertise, a draft normative legal act can go through other expertise (financial, economic, environmental, criminological, etc.) with the permission from a norm-making or other state body entitled by the legislative acts of the Republic of Azerbaijan

#### **Article 48. Submission of normative legal acts to a norm-making body**

- 48.1. The rule of submission of normative legal acts to a norm-making body is defined by this Law, other legislative acts of the Republic of Azerbaijan and acts of the relevant norm-making institution.
- 48.2. The following is added to draft normative legal act, regardless of its type when it is submitted to norm-making body:
- 48.2.1 accompanying letter and justification of the necessity of adoption of a normative legal act, including financial-economic justification;
  - 48.2.2. documents confirming agreement (authentication) of normative legal act;
  - 48.2.3. expert opinions on draft normative legal act;
  - 48.2.4. list of persons drafting normative legal act;
  - 48.2.5. other documents related to the draft normative legal act (based on the decision of a subject submitting the draft.)
- 48.3. Following information should be included into justification of the necessity of a draft normative legal act:
- 48.3.1. Purposes of drafting a normative legal act, subject of its legal regulation and the structural elements that make changes in current legal regulation;
  - 48.3.2. Experience of the legislation of the Republic of Azerbaijan and its enforcement, of legislation of other countries, mass media outlets, an analysis of appeals by citizens (legal entities) regarding subject of legal regulation of draft normative legal act;
  - 48.3.2. Forecasting of possible consequences of adoption of normative legal act;
  - 48.3.4. List of normative legal acts that should be considered invalid, that should be amended and those that should be adopted due to the adoption of the normative legal act
- 48.4. Expert opinion on edition of the draft shall be submitted to Milli Majlis of the Republic of Azerbaijan. If after that technical changes and additions are made to the draft shall be sent for subsequent expert opinion.
- 48.5. Draft laws on amendments to a law, as a rule, shall be attached a table containing edition of an article or of a structural components of this law, and edition of an article or of other structural component of the law taking into account amendments proposed by the draft.
- 48.6. Only accompanying letter is attached to the draft submitted by the President of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan and documents mentioned in Articles 48.3 and 48.4 of this law are kept at the Administration of the President of the Republic of Azerbaijan.
- 48.7. Draft of a normative legal act is presented to a norm-making body in text files form both hard copy and electronic copy.





## **Chapter 8**

### **Mandatory legal expert review of normative legal act**

#### **Article 49. Rule on conducting legal expertise of normative legal act**

- 49.1. Draft normative legal act must pass through mandatory legal expertise.
- 49.2. Mandatory legal expertise, depending on the type of normative legal act, is conducted as stated below:
  - 49.2.1. Draft normative legal acts presented to the President of the Republic of Azerbaijan – by competent structural section of the Administration of the President of the Republic of Azerbaijan;
  - 49.2.2. Draft laws – by competent structural section of the apparatus of Milli Majlis of the Republic of Azerbaijan;
  - 49.2.3. Draft decisions of the Cabinet of Ministers of the Republic of Azerbaijan – by competent structural section of the apparatus of the Cabinet of Ministers of the Republic of Azerbaijan;
  - 49.2.4. Normative legal acts of executive authority bodies – by their legal departments.
- 49.4. Rules for normative legal acts going through expertise are defined by the legislation of the Republic of Azerbaijan.

#### **Article 50. Common requirements for draft normative legal acts**

- 50.0. Common requirements for draft normative legal acts are following:
  - 50.0.1. compliance with principles declared Article 8 of this law;
  - 50.0.2. compatibility of norms of normative legal act with goals and responsibilities of normative legal act;
  - 50.0.3. compliance with subject of normative regulation;
  - 50.0.4. compliance of the form and essence of normative legal act;
  - 50.0.5. compliance with other normative legal acts;
  - 50.0.6. logic of internal structure;
  - 50.0.7. mutual compatibility of the norms that are going to be included;
  - 50.0.8. non-interference of one state body into the activities of other state body;
  - 50.0.9. acceptance of a normative legal act by a state body with relevant authority within its competencies;
  - 50.0.10. adoption of normative legal act according to rule and form defined in the legislation of the Republic of Azerbaijan;
  - 50.0.11. compliance with norm-making technique;
  - 50.0.12. observance of Article 37 of this law.

#### **Article 51. Opinion of mandatory legal expertise**

- 51.1. The opinion of mandatory legal expertise is drafted according to Attachment 1 to this Law.
- 51.2. One of the following results should be demonstrated in the opinion of mandatory legal expertise of normative legal act:
  - 51.2.1. draft normative legal act is rejected ;
  - 51.2.2. draft normative legal act is returned to the subject of norm-making for revision;
  - 51.2.3. draft normative legal act is approved.

#### **Article 52. Consistency in conducting mandatory legal expertise**

Mandatory legal expertise of draft statutory law should be conducted before mandatory linguistic expertise.

## **CHAPTER 9**





## **Mandatory linguistic expert review of the draft statutory law**

### **Article 53. Language requirements set forward the text of the normative legal act**

The text of the normative legal act shall be expressed in a concise form, simple and clear language that excludes interpretation of norm separately, using the style of literary Azerbaijani language and official working style of legal terminology.

### **Article 54. Terminology of normative legal act**

- 54.1. Terminology of normative legal act is formed by using comprehensible words and expressions.
- 54.2. The same terminology must have the same meaning and single form in the normative legal act.
- 54.3. In case of necessity to specify the terminology and their interpretation used in the normative legal act, an article (paragraph) explaining their meaning shall be included.

### **Article 55. Use of specific marking**

- 55.1. Specific markings shall be used in the normative legal act only in the concepts used in specific areas.
- 55.2. Specific markings shall be explained in the normative legal act if necessary.

### **Article 56. Requirements for stylistic formalization for the text of the normative legal act**

- 56.0. The text of the normative legal act cannot express the following:
  - 56.0.1. expressive forms of colloquial and spoken language;
  - 56.0.2. different definitions (terminology) used for the same meaning;
  - 56.0.3. borrowed words if words having the same meaning exist in Azerbaijani language;
  - 56.0.4. unclear word combinations, generalized thoughts, calls, artful comparison, epithets, metaphors;
  - 56.0.5. abbreviations, except those are known.

### **Article 57. Abbreviations and generalized definitions used in normative legal acts**

- 57.1. Names of state bodies (organizations) mentioned in the normative legal acts must completely match their charters and statutes, acts on establishment, naming and change of name.
- 57.2. Abbreviation of names of state bodies can only be used, if these are official abbreviations, in the technical normative legal acts, non-normative legal acts, as well as in shorthand reports, minutes, service letters, documents of informational nature, non-text annexes to the legal acts.
- 57.3. Use of generalized definitions (words, word combinations) that express the state bodies in the normative legal act shall be allowed only in the cases when the relevant generalized definition is applied to any state body. If it is necessary to indicate the state body's name repeatedly, or this or other definition expressed with a group of words is used repeatedly, the full name of that state body or of definition shall be indicated when it is used the first time having its abbreviation (conventional marking) in parenthesis to be indicated in following provisions.
- 57.4. When it is not appropriate to indicate the full name, these rules can be applied to the name of the normative legal act that has been referred multiple times.

### **Article 58. Application of references in normative legal acts**

- 58.1. References to the structural components of the normative legal act, as well as to other normative legal acts in force and their structural components shall be applied



when it is necessary to show mutual relationship of statutory instructions or to avoid their repetition.

- 58.2. In the normative legal act, the reference to the same normative legal act or to its structural component must be made only using the word "this".

#### **Article 60. Opinion of mandatory linguistic expertise of draft normative legal acts.**

60.0. One of the following results should be demonstrated in the opinion of mandatory linguistic expertise of draft normative legal acts:

- 60.0.1. draft normative legal act is rejected ;
- 60.0.2. draft normative legal act is returned to the subject of norm-making for revision;
- 60.0.3. draft normative legal act is approved.

#### **Article 59. Form of mandatory linguistic expert review of draft normative legal act**

An opinion of a mandatory linguistic expert review is conducted in the form of changes in the text of the draft normative legal act.

### **Chapter 10**

#### **Normative legal acts and draft normative legal acts undergoing expert review against corruption**

#### **Article 61. The purpose of normative legal acts and draft normative legal acts undergoing expert review against corruption**

The expert review against corruption is conducted with the aim of drafting normative legal acts, to identify, prevent, and eliminate the emergence of provisions that can contribute to corruption and indication of its symptoms, during the expertise of valid normative legal acts.

#### **Article 62. Corruption factors in normative legal acts and their drafts**

- 62.1. For the purposes of this law corruption factors are considered provisions of the normative legal acts (as well as errors of norm and legal formulas), whose implementation can result in corruption, as well as having immediate grounds for corrupt practice or creating legitimate grounds for corruption, allowing corruption or provoking it.
- 62.2. Norms that include corruption factors (normative legal acts, drafts normative legal acts) are considered norms subject to corruption (normative legal acts, drafts normative legal acts)
- 62.3. Model (exemplary) corruption factors, regardless of the subject of regulation, in normative legal acts and draft normative legal acts are considered corruption factors frequently encountered and doubtless or with high degree of possibility could show signs of corruption.
- 62.4. Provisions of Chapter 8 of this Law with purposes specified in this Law shall be applied:
  - 62.4.1. when draft normative legal acts are prepared by the specialists as well as when the norms are prepared by experts;
  - 62.4.2. when conducting legal expertise of the drafts normative legal acts prepared by the experts or organizations and the normative legal acts adopted previously when implementing state order.
- 62.5. During the drafting and improvement of normative legal acts it is not allowed to include exemplary corruption factors and indicators of subjection to corruption, as well as other provisions that can cause corruption.

#### **Article 63. Types of corruption factors**





- 63.1. During the expert review of a normative legal act (its draft) exemplary corruption factors and indications of subjection to corruption listed below should be identified and eliminated:
- 63.1.1. illustrative corruption factors related to the exercise of authorities of a state body (public official);
  - 63.1.2. illustrative corruption factors related to legal gaps;
  - 63.1.3. illustrative corruption factors of a systemic character;
  - 63.1.4. indications of being subjected to corruption.

**Article 64. Illustrative corruption factors related to exercise of competences of a state body (public official)**

- 64.1. Illustrative corruption factors related to the exercise of authorities of a state body (public official) in a normative legal act are following:
- 64.1.1. the extend of discretionary authorities;
  - 64.1.2. description of an authority as a dispositive opportunity;
  - 64.1.3. greater demands than necessary for implementation of individual rights;
  - 64.1.4. possibility for abuse of citizen's (legal entity) right by state body (civil servant);
  - 64.1.5. groundless change on the amount of rights;
  - 64.1.6. excessive freedom of norm-making established by the law;
  - 64.1.7. subject to a corrupt interpretation;
  - 64.1.8. adoption of normative legal act beyond competences of executive power body;
  - 64.1.9. filling legal gaps with normative legal acts of executive power body.
- 64.2. Discretionary authorities in the normative legal act that allow the official to act on his or her own judgment during the making of a decision may not be implemented arbitrarily.
- 64.3. It is not allowed to not identify decision-making dates, to keep these dates undefined, to keep the grounds and terms of a decision undefined and duplicate competencies of various state bodies as a result of wide discretionary authorities in a normative legal act.
- 64.4. Rights and responsibilities of state bodies comprise their competences and for this reason in a normative legal act the right of the body depending on the specific executor's judgment or other actions cannot be defined as a dispositive opportunity. In a normative legal act it is not allowed to define a state body's authorities in an extremely generalized way and to use vague expressions such as "a body can do", "as a rule", "allowed in exceptional cases", "within the competencies of the body", "if necessary" and other similar expressions.
- 64.5. In a normative legal act the requirements (terms) necessary for exercise of a citizen's (legal entity) right or fulfillment of duties cannot be difficult and (or) hard to achieve.
- 64.6. In a normative legal act it is not allowed to make greater requirements than necessary, to have an open (incomplete) list of grounds for refusal of the documents submitted by a citizen (legal entity) or to use subjective evaluative statements to deny the exercise of a right within the administrative procedure that started.
- 64.7. In a normative legal act it is not allowed to create discretionary opportunities for officials by not regulating the rights of a citizen (legal entity) precisely. In a normative legal act it is not allowed to offer only alternative selection of rights as opposed to freedom of choice of methods and dates for actions within the administrative procedure.
- 64.8. In a normative legal act it is not allowed to foresee exceptions from general rules for citizens (legal entities) who depend on the official's judgment. In a normative legal act





there cannot be privileges for officials not defined by normative legal act, as well as it cannot define prohibitions and restrictions.

- 64.9. The very detailed character of norms in the law should not lead to interference into competencies of executive authorities.
- 64.10. It is not allowed to use terminology, concepts, summaries and evaluative categories that are ambiguous and not used in practice often.
- 64.11. Executive power body should adopt normative legal acts only within its own authorities and can not interfere into the area of legislation or activities of other executive power body.
- 64.12. It is not allowed to regulate, by other normative legal act, the issues that are subject of the law and to establish code of conduct compulsory to everyone.

#### **Article 65. Illustrative corruption factors concerning legal gaps.**

65.1. Legal gaps emerge when an issue is not being regulated legally, when a normative legal act is not used for regulation, as well as when a normative legal act does not include norms on the possibilities of bringing public officials to criminal liability and preventive norms against corruption regulating supervision of their activities.

Here belongs:

- 65.1.1. existence of gaps in regulation;
- 65.1.2. absence of administrative procedures;
- 65.1.3. absence of competition (auction) procedures;
- 65.1.4. absence of prohibitions and limitations for public officials in the particular area of activity;
- 65.1.5. not defining for public officials the responsibility for violating the law;
- 65.1.6. the supervision of state bodies, public officials as well as of civil control is not defined ; also the regime of the transparency of information is violated.
- 65.2. Existence of gaps in legal regulation, the absence of a particular norm should not allow that during the enforcement of a law the gap is filled by the considerations of the state body (public official). Functions assigned to a state body regarding this or another activity type should be regulated.
- 65.3. Administrative decisions should be made for public official as well as for citizens (legal entities) according to a definite procedure known in advance and rules and dates of actions should be defined.
- 65.4. Actions related to selection of candidates for granting a specific right that gives privileges (creating a legal situation) should be conducted according to the competition (auction) procedures. Wide discretionary authorities are not allowed during the conduct of the competition (auctions) as when as while granting a specific right in administrative procedure (creating a legal situation in administrative procedure).
- 65.5. Normative legal acts should include norms regarding public officials' responsibilities relevant to acts on legal responsibility for violations of law, as well as norms about the possibility of filing complaints against public officials.
- 65.6. Norms providing oversight of state bodies and public officials in more significant areas, as well as norms for citizens supervision should be included in a normative legal act.
- 65.7. Normative legal acts should include norms providing openness of information from public sources. It is not allowed to identify information, which is useful and necessary for making a specific decision on a specific issue, as closed information. Also it is not accepted that in a normative legal act the possibility and rules of accessing to this kind of information is not identified.

#### **Article 66. Illustrative corruption factors of a systemic character**





- 66.1 Exemplary corruption factors of a systemic character include not separate norms of normative legal act, but illustrative corruption factors can be discovered by systemic analysis of the entire text.
- 66.2. Among them:
  - 66.2.1. wrong aims and priorities;
  - 66.2.3. normative collisions;
  - 66.2.4. exposure to forced corruption
- 66.3. A normative legal act should have clear goals and priorities corresponding to real demands of a legal regulation. Unbiased non-appropriateness, surplus of regulation of the issue, contradiction of norms of normative legal act with the stated objectives of this act shall not be allowed for passage of the normative legal act.
- 66.4. Creation of conditions for independent choice of act to be applied in a certain case to the officials, dependence of possibility of resolution of that collision on the will of the official shall not be allowed in a normative legal act contradicting completely or partially the other normative legal act.
- 66.5. Corrupted norms of the normative legal acts having superior legal force cannot be resulted in reflection of corrupted norms in other normative legal act.

#### **Article 67. Illustrative demonstrations of exposure to corruption**

- 67.1. Illustrative demonstrations of exposure to corruption comprise provisions informing about corruption facts that have already occurred in a definite situation (corruption indicators) and (or) creating conditions for the emergence of corruption factors (pre-corruption factors).
- 67.2. They include:
  - 67.2.1. not observing formal technical requirements during the adoption of a normative legal act ;
  - 67.2.2. not mentioning the period of adoption of a normative legal act;
  - 67.2.3. violation of balance of interests (consideration of privileges only for a group of subjects).
- 67.3. It is not allowable to ignore requirements of formal-technical character, not to eliminate the shortcomings identified during the legal-technical expertise of normative legal acts and violate the rule and (or) form of adoption of normative legal act.
- 67.4. It is not allowable not to identify periods for adoption of normative legal acts, to replace non-adoption of a normative legal act, which was expected to be adopted by implementing compulsory conduct of conduct based on independent administrative considerations and acts enforcing individual rights.
- 67.5. It is not allowable, as a result of violation of balance of interests, to grant privileges and advantages to one group at the damage of other group by assigning norms

#### **Article 68. Main rules of conducting expert review on exposure to corruption in normative legal acts (their drafts)**

- 68.1. The effectiveness of the expertise on inclusion and identification of the provisions causing exposure to corruption practice in normative legal acts and their drafts (hence: expertise on exposure to corruption in normative legal acts) is defined by its systemic character, credibility and possibility to verify results.
- 68.2. The following rules should be observed for ensuring regularity, credibility and check of results of the expert review on draft normative legal act or on exposure to corruption in a normative legal act:





- 68.2.1 The expertise on exposure to corruption practice of normative legal act or draft normative legal act's each norm and the announcement of its results should be conducted according to content and consistency based on the table of Exemplary corruption factors and practices of exposure to corruption.
- 68.2.2 Normative legal act draft or normative legal act's each norm should be checked against the existence of every exemplary corruption factor and practices of exposure to corruption.
- 68.2.3 Each exemplary corruption factor and practices of exposure to corruption should be checked against existence in each normative legal act draft or normative legal act's each norm.
- 68.2.4 Regardless of the fact that exemplary corruption factors and practices of exposure to corruption are included or not included into draft normative legal act or normative legal act with intention or not intentionally, those terms are discovered and demonstrated without evaluation.
- 68.2.5 Every exemplary corruption factor discovered as a result of expertise (demonstration of exposure to corruption) should be taken out of normative legal act or draft normative legal act.
- 68.2.6 Within the framework of analysis of draft normative legal act or normative legal act norms' exposure to corruption these requirements are fulfilled with experts who drafted the normative legal act.
- 68.2.7 Case on results of expert review on draft normative legal act or on exposure to corruption in passed normative legal act is conducted within the defined rules for preparation and passage of the relevant normative legal act, based on opinions of expert review on exposure to corruption.
- 68.2.8 Non-illustrative provisions creating conditions for corruption revealed during the analysis shall be indicated in the opinion of expert review on exposure to corruption. Illustrative corruption factors must be deleted within the rules identified for occurrence of corruption.

**Article 69. Legalizing the results of expertise regarding exposure to corruption in normative legal acts and their drafts**

- 69.1. In a draft normative legal act or in a normative legal act previously passed, the result on existence or non-existence of corruption factors and demonstrations of exposure to corruption, other provisions facilitating environment for cases of corruption are legalized as follows:
  - 69.1.1 In an explanatory statement on draft normative legal act submitted for review
  - 69.1.2 In the text of the opinion on results of the legal expertise for the normative legal act, which had to undergo compulsory legal expertise.
  - 69.1.3 In the form of an independent opinion on results of the expertise on exposure to corruption in a draft normative legal act or in a normative legal act passed (in case expert review conducted independently together with general legal expert review or independently).
- 69.2 If provisions contributing to corruption are discovered in a draft normative legal act or in a normative legal act previously passed, those provisions shall be explained by the document mentioned in Article 69.1 of this law, with the sequence defined in this law, illustrative corruption factors and demonstrations of exposure to corruption, mentioning provisions (section, part, chapter, article, paragraph, subparagraph) they identified.
- 69.3 In a document mentioned above absence of following shall be indicated: other illustrative corruption factors, other occurrences of being subject to corruption, other provisions supporting occurrence of corruption.
- 69.4 A document prepared based on results of expertise Draft normative legal act or identified provisions which contribute to corruption together with illustrative corruption factors and demonstrations of exposure to corruption in Table 2 added to this law.





- 69.5 The provisions identified in a draft normative legal act or normative legal act as those that contribute to the environment of corruption and the description of possible repercussions of those provisions, with the purpose of clarifying the idea expressed in expert review together with the considerations of a person who signed it, is noted in the document on the results of expertise on exposure to corruption.
- 69.6 Except the cases of lack of provisions supporting occurrence of corruption in a draft normative legal act or in a normative legal act, degree of exposure to corruption of the normative legal act under analysis shall not be defined in a document involving results of expert review on exposure to corruption as a whole.
- 69.7 In the document reflecting the results of the expertise on exposure to corruption, the recommendations on revision of the document (making amendments to normative legal act), with respect to remarks on the draft normative legal act where provisions contributing to corruption environment were identified, should be taken into account

## **CHAPTER 11**

### **READING AND PASSAGE OF NORMATIVE LEGAL ACT**

#### **Article 70. Hearing of draft normative legal act**

- 70.1. A draft normative legal act submitted in a defined manner must be heard by the norm making body.
- 70.2. The norm making body can do the following regarding the results of the hearing of the draft normative legal act:
- 70.2.1. to approve and pass the normative legal act;
- 70.2.2. to reject the draft bringing evidences and reasons;
- 70.2.3. to postpone the passage of the normative legal act for a determined period of time;
- 70.2.4. to send the draft back for redrafting indicating its comments and suggestions;
- 70.3. Draft laws pass three readings at the Milli Majlis of the Republic of Azerbaijan.

#### **Article 71. Withdrawal of draft normative legal act**

- 71.1. The initiator of the norm making initiative, when necessary, shall have the right to withdraw the draft normative legal act prior to passage of it.
- 71.2. Subject having legislative initiative right shall have the right to remand the draft normative legal act submitted to the Milli Majlis of the Republic of Azerbaijan prior to its third reading.

#### **Article 72. Rules for passage of the normative legal act**

- 72.1. The normative legal act, after hearing, shall be passed by the authorized body following the procedures established by the relevant normative legal acts.
- 72.2. The normative legal act shall be passed by the authorized body in a state language.

#### **Article 73. Guarantees for enjoying the right of legislative initiative**

- 73.1. The one having the right of legislative initiative or its authorized representative shall have the right to participate in the process regarding the draft at the Milli Majlis of the Republic of Azerbaijan.
- 73.2. The draft law must be agreed (obtained opinion) with the following including the changes made at the Milli Majlis of the Republic of Azerbaijan:
- 73.2.1. with the subject having the right of legislative initiative which submitted the draft law;
- 73.2.2. with the President of the Republic of Azerbaijan or with the Cabinet of Ministers of the Republic of Azerbaijan on the President's instructions, when state resources might be reduced due to changes or expenses that might occur or be increased;





- 73.3. Changes submitted to the Milli Majlis of the Republic of Azerbaijan due to the agreements (opinion) established by Article 72.2 of this Article shall be implemented within 14 days after receipt of the draft law under the condition on legal expert review on this draft law and announcement of its urgent hearing do not cause another period of time. A longer time can be determined in case of the need to obtain additional information, as well as for preparation of an opinion for particularly complicated draft laws and reaching agreement (preparation of opinion).
- 73.4. Relevant draft laws cannot be amended without sending them for opinion or obtaining agreement.
- 73.5. If the changes are not made to the draft law, except the technical changes, an additional agreement need not be obtained from the one having the right of legislative initiative on the draft law submitted to the Milli Majlis of the Republic of Azerbaijan.
- 73.6. The draft law prepared completely for the first, second and third reading at the Milli Majlis of the Republic of Azerbaijan shall be submitted to the subject having the right of legislative initiative.

#### **Article 74. Signing of the normative legal act**

- 74.1. Official signing of the normative legal act shall be performed by the following:
  - 74.1.1. law, decree of the President of the Republic of Azerbaijan – President of the Republic of Azerbaijan;
  - 74.1.2. decisions of the Cabinet of Ministers – Prime Minister of the Republic of Azerbaijan;
  - 74.1.3. other normative legal acts – chief of the body that passed the act;
  - 74.1.4. in case of the absence of the chief of the body that passed the act, a person implementing his/her duties, unless provided by otherwise the legislative acts of the Republic of Azerbaijan.
- 74.2. When the law is submitted to the President of the Republic of Azerbaijan for signing, the last page of the second copy of the law shall contain signature of the chairperson of the Milli Majlis of the Republic of Azerbaijan or a person who implements his/her duties.

### **CHAPTER 12**

#### **MAKING CHANGES TO THE NORMATIVE LEGAL ACTS OF THE REPUBLIC OF AZERBAIJAN, CONSIDERING THEM INVALID**

##### **Article 75. Rules for considering the normative legal acts invalid**

Due to the passage of the normative legal act, all acts or their parts (sections, chapter, articles, paragraphs etc.) that contradict or covered norms included in the normative legal act or those that lost their force practically, those that have the same or lower legal force shall be considered invalid.

##### **Article 76. Consideration of the normative legal act invalid due to the passage of new normative legal act, lists of normative legal acts (their structural components) to be amended**

- 76.1. Article 13.2 of this Law must be followed while passing a new normative legal act. If the number of normative legal acts (their structural components) to be considered invalid, amended, due to the passage of the normative legal act, is large, their lists could be formalized as independent drafts and attached to the main draft act.
- 76.2. Drafting the act, without having the list of the normative legal acts (their structural components) to be considered invalid, amended, is allowed only when preparation of them needs a long time. In such case, an assignment shall be prepared to develop the relevant list and timeframe for submission of drafts to the norm making bodies shall be determined.

### **CHAPTER 13**





## STATE REGISTRY OF THE LEGAL ACTS OF THE REPUBLIC OF AZERBAIJAN

### Article 77. Rules for entering the normative legal act in State Registry

- 77.1. Normative legal acts shall be entered in the State Registry of Legal Acts of the Republic of Azerbaijan operation of which is ensured by the relevant executive authority body.
- 77.2. Normative legal acts shall be sent to the State Registry of Legal Acts, with the purpose of entering, by the state body which passed it.
- 77.3. Normative legal acts shall be submitted to the State Registry of Legal Acts in hard/paper copy which is the real copy of the original, as well as electronically in a format of text file.
- 77.4. Normative legal acts entered in the State Registry of Legal Acts shall be given a registry number of the State Registry.
- 77.5. When the normative legal acts are submitted to the State Registry of Legal Acts for entry, the opinion of the relevant legal expertise shall be attached to the normative legal act of the central executive authority bodies. Normativ hüquqi aktlar Hüquqi Aktların Dövlət Reyestrinə daxil edilməsi məqsədilə təqdim edilən mərkəzi icra hakimiyyəti orqanlarının normativ hüquqi aktlarına müvafiq hüquqi ekspertizanın rəyi əlavə olunur.
- 77.6. The normative legal acts of Nakhchivan Autonomous Republic must be entered in the State Registry of Legal Acts of Nakhchivan Autonomous Republic. State Registry of Legal Acts of Nakhchivan Autonomous Republic shall be considered a part of the State Registry of Legal Acts of the Republic of Azerbaijan.

### Article 78. Details of the normative legal acts entered in the State Registry of Legal Acts

- 78.1. The following details of the normative legal acts shall be included in the State Registry of Legal Acts:
  - 78.1.1. type of the act;
  - 78.1.2. date of receipt;
  - 78.1.3. number;
  - 78.1.4. name;
  - 78.1.5. source of official publication;
  - 78.1.6. date of entering into force;
  - 78.1.7. code (codes) under single classifier of the Republic of Azerbaijan;
  - 78.1.8. registration number at the State Registry of Legal Acts;
  - 78.1.9. date of entry of the normative legal acts in the State Registry of Legal Acts.
- 78.2. The State Registry of Legal Acts for amended, terminated and invalid normative legal acts shall include relevant notes on details (type of act, date of passage, registration number of the State Registry of Legal Acts and date of entry of the normative legal act in the State Registry of Legal Acts) of amended, terminated or invalid normative legal acts.

## CHAPTER 14

### OFFICIAL PUBLICATION OF NORMATIVE LEGAL ACTS AND THEIR ENTRY INTO FORCE

#### Article 79. Rules for publication of normative legal acts

- 79.1. The normative legal acts of the Republic of Azerbaijan must be officially published.
- 79.2. Official publication of the normative legal acts means bringing them into the general attention by means of publishing their text of electronic version, as it appears in State Registry of Legal Acts, in official periodicals, by reporting it on public television and





radio channels. Report on the normative legal acts on public television and radio does not substitute their publication in official periodical.

- 79.3. Official publication of the normative legal acts shall be published in a state language.
- 79.4. Publication of the normative legal acts in other languages shall be allowed only in the cases when the translation into the relevant language, approved in a determined manner for passage of this act by the relevant state body, exists.
- 79.5. Date of official publication of the normative legal act shall be considered the date when the official publication where this act is placed was published (reported on public television and radio channels.)
- 79.6. If the normative legal act is published in several official publications in various times, the date of official publication and entry into force shall be determined by the date of its first publication.
- 79.7. Individual provisions of the normative legal acts containing state secret shall not be published.
- 79.8. The normative legal acts shall be published by indicating their compulsory details: type of the act, dates of its passage, progress number and name.
- 79.9. Incomplete normative legal acts shall not be allowed to be published, except the normative legal acts individual provisions of which contain state secret.
- 79.10. Rules for official publication of the normative legal acts of Nakhchivan Autonomous Republic shall be established by the law of Nakhchivan Autonomous Republic.

#### **Article 80. Timeframes and conditions for official publication of normative legal act**

- 80.1. Laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan must be officially published immediately and unconditionally upon signing by the President of the Republic of Azerbaijan.
- 80.2. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan must be officially published immediately and unconditionally upon passage.
- 80.3. Other normative legal acts must be officially published unconditionally upon their entry in the State Registry of Legal Acts.
- 80.4. The normative legal acts received by the official publications (except the publication of the State Registry of Legal Acts) from the authorized state bodies, except the decrees of the President of the Republic of Azerbaijan and laws of the Republic of Azerbaijan that need immediate publication, shall be published not later than five days upon receipt.

#### **Article 81. Publicizing the normative legal acts in unofficial publications and other means of media**

- 81.1. Normative legal acts can be published in unofficial publications, as well as publicized on television and radio, and through other means of information dissemination.
- 81.2. Incomplete normative legal acts can be published with note "Extract."
- 81.3. Publication of the normative legal acts in unofficial publications shall be considered unofficial.
- 81.4. Unofficial publication of the normative legal act shall be performed only after its official publication, by following the requirements set forth on activities for dissemination of legal information. In such case, source of official publication of each normative legal act, number and date of issue of the agreement (license) allowing dissemination of legal information, in case of need for such agreement (license) on dissemination of legal information in conformity with the legislation of the Republic of Azerbaijan, shall be unconditionally indicated.

#### **Article 82. Entry into force of normative legal acts**

- 82.1. The laws of the Republic of Azerbaijan and decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan





shall enter into the force one day after their official publication, if other period is not considered by those acts.

- 82.2. Except the acts mentioned in Article 81.1 of this law, other acts, if other period is not considered in those acts, shall enter into the force one day after the publication after the receipt by State Registry of Legal Acts.

## **CHAPTER 15**

### **FORCE AND PERFORMANCE OF NORMATIVE LEGAL ACTS WITHIN TIMEFRAME, PLACE AND CIRCLE OF PEOPLE**

#### **Article 83. Force of normative legal acts within timeframe**

- 83.1. The normative legal act shall be in force for unlimited duration if other case is not considered in its text.
- 83.2. Temporary period of force can be determined for normative legal act or for its parts. In such case, the normative legal act (its part) must contain the period of force of the normative legal act or the incident that caused termination of the normative legal act. When the indicated time period ends or the incident mentioned in the normative legal act happens, the normative legal act (its part) shall automatically lose its force. The body which passed the normative legal act can make a decision on extending the force of the normative legal act (its part) for new period of time or on giving it status of unlimited duration.

#### **Article 84. Retroactive force of normative legal act**

- 84.1. Retroactive force of the normative legal act shall be regulated by Article 149 part VII of the Constitution of the Republic of Azerbaijan.
- 84.2. Application of force of the normative legal act mitigating or terminating the liabilities of citizens or legal entities to the relationships occurred before its entry into force shall be directly indicated in that normative legal act or in the act on its entry into force, or regardless that indication, its force shall be applied to the relationships occurred before its entry into force.
- 84.3. Granting the normative legal act the retroactive force shall not be allowed when it is considered to introduce to or to aggravate liabilities of citizens and legal entities for the actions that did not create any liabilities or created light penalty when committed.

#### **Article 85. Force of normative legal acts within place and circle of people**

- 85.1. Normative legal acts of the state bodies shall have the compulsory force within the entire territory of the Republic of Azerbaijan.
- 85.2. Force of the normative legal acts shall be applied to the citizens and legal entities of the Republic of Azerbaijan, as well as foreigners residing within the territory of the Republic of Azerbaijan, persons without citizenship, except the cases considered by laws and international agreements of the Republic of Azerbaijan.

#### **Article 86. Loss of force of normative legal acts**

- 86.0. The normative legal act shall lose its force under the following circumstances:
- 86.0.1. when term of implementation of the normative legal act (its part) finishes;
- 86.0.2. when the normative legal act (its part) is terminated under the cases considered by the Constitution of the Republic of Azerbaijan and other legislative acts;
- 86.0.3. when decision of the Constitutional Court of the Republic of Azerbaijan is made regarding the cases considered by Article 130 part III, paragraphs 1-3, 6, 8 of the Constitution of the Republic of Azerbaijan.

#### **Article 87. Rules for official commentary of normative legal acts**





- 87.1. When uncertainty and differences, as well as contradictions while implementation are occurred in the text of the normative legal act, the norm making body or the Constitutional Court of the Republic of Azerbaijan in conformity with Article 130 part IV of the Constitution of the Republic of Azerbaijan shall officially comment those norms by passing the relevant normative legal act (decision of the Constitutional Court.)
- 87.2. When commenting the normative legal act, its content of legal norms shall be explained and specified, as well as their place in legislation, functional and other relations between other norms regulating various aspects of the same type of public relationships shall be determined.
- 87.3. It shall not be allowed to amend the normative legal act after it has been commented.
- 87.4. Expanding or limiting commentary shall be possible only upon an obvious difference between text and meaning of the normative legal act.
- 87.5. Explanation of the text of the normative legal act shall not be considered as its commentary.

#### **Article 88. Conditions for implementation of normative legal acts**

Following their passage and entry into force basic organization of implementation of the normative legal acts shall be performed: timely informing the executors about the content of passed normative legal acts, official commentary of acts by the authorized state bodies, explanation of content of the act, publication of commentary and practical means, financial, material and technical, legal and organizational provisions, and provisions on observing timeframe for implementation.

#### **Article 89. Control over implementation of normative legal acts**

Control over the implementation of the normative legal acts and inspection shall be implemented by norm making bodies (officials) and special bodies (persons) considered by the relevant normative legal acts.

#### **Article 90. Checking implementation of normative legal acts**

- 90.1. Norm making bodies and other authorized special bodies (officials) shall determine the quality, legality and efficiency of the normative legal acts on the basis of control over the implementation of the normative legal acts and checking and analysis of complaints and appeals.
- 90.2. In case of detection of gaps, contradictions with superior acts, as well as internal contradictions and other shortcomings, the norm making body must remove them. Other authorized special bodies (persons) must make proposals to the authorized bodies on amending or terminating the relevant normative legal act.

#### **Article 91. Liability for failure to observe normative legal acts**

Persons found guilty for non-fulfillment of the normative legal acts shall bare liabilities in conformity with the legislation of the Republic of Azerbaijan.

### **CHAPTER 16 INCORPORATION OF NORMATIVE LEGAL ACTS**

#### **Article 92. Complete set of laws of the Republic of Azerbaijan**

- 92.1. Complete set of laws of the Republic of Azerbaijan is completely classified set of legislative acts of the Republic of Azerbaijan maintained in actual form and published in electronic format.
- 92.2. Operation of set of laws of the Republic of Azerbaijan shall be ensured by the relevant executive authority body.





**Article 93. Official sets and collection of normative legal acts**

- 93.1. Official sets and collections of the normative legal acts shall be prepared and published with the purpose of assisting implementation of the normative legal acts.
- 93.2. Official sets and collections of the normative legal acts shall be published directly by the norm making bodies or by other state bodies upon the instructions of norm making bodies.

**CHAPTER 17  
FINAL PROVISIONS****Article 94. Rules for entry into the force of this law**

- 94.1. This law comes into force upon publication.
- 94.2. The Law of the Republic of Azerbaijan On Normative legal acts passed November 26 1999 shall be considered invalid upon this law's entry into force.



## Annex 1

## Structure of compulsory legal expertise act of normative legal acts and their drafts

1. Condition (analysis of specific normative legal acts in force) of normative regulation regarding the field of regulating the normative legal act (its draft.)
2. Compliance with subject of normative regulation.
3. Compliance of norms considered by the normative legal act (its draft) with its objectives and duties.
4. Compliance of the format and main point of the normative legal act (its draft.)
5. Compliance of the normative legal act (its draft) with other normative legal acts.
6. Logicity of internal structure of the normative legal act (its draft.)
7. Mutual non-contradictoriness of norms included (considered to include) in the normative legal act (its draft.)
8. Non interference of one state body in the authorities of another state body in the normative legal act (its draft.)
9. Passage of the normative legal act (its draft) by the state body having the relevant competence within its authority.
10. Passage of the normative legal act (its draft) within the determined manner and form.
11. Compliance with the norm making technique.
12. Accuracy of list of the normative legal acts (their structural components) to be terminated and amended due to the passage of the normative legal act.
13. Accuracy of list of normative legal acts to pass due to passage of the normative legal act.
14. Conclusion.





**Illustrative corruption factors and occurrences of exposure of corruption of the  
normative legal acts and their drafts**

	Illustrative corruption factor and occurrence of exposure of corruption	The article of the normative legal act or its draft that finds corruption factor
<b>A</b>	<b>Corruption factors regarding the performance of authorities of the government bodies</b>	
	1. Broadness of discretion authorities	
	2. Determination of authorities based on formula	
	3. High requirements for the person that is more than the person needs to implement his/her rights	
	4. Abuse of rights of applicant	
	5. Seldom change of volume of rights	
	6. Extreme freedom of norm making coming from the law	
	7. Undergoing legal and linguistic corruption	
	8. Passage of "out of competence" normative legal act by the executive authority body	
	9. Filling in the gaps in legislation with the normative legal acts of the executive authority body	
<b>B</b>	<b>Corruption factors regarding the existence of legal gaps</b>	
	10. Existence of gaps in regulation	
	11. Lack of administrative procedures	
	12. Lack of competition (auction) procedures	
	13. Lack of prohibitions and limitations for state and municipal officials on certain field of activity	
	14. Lack of established liabilities for officials	
	15. Non-determination of control over institutions and officials	
	16. Violation of transparency of information	
<b>C</b>	<b>Corruption factors of system nature</b>	
	17. False objectives and priorities	
	18. Normative collisions	
	19. Forced exposure of corruption	
<b>D</b>	<b>Occurrences of exposure to corruption</b>	
	20. Formal-technical exposure of corruption	
	21. Not passing the normative legal act	
	22. Disbalance of interests	
<b>E</b>	<b>Other corruption factors</b>	

